

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MICHAEL TAYLOR,

Plaintiff,

-against-

ORDER

15-CV-3656 (JS) (SIL)

MICHAEL SPOSATO,

Defendant.

-----X

APPEARANCES:

For Plaintiff: Michael Taylor, pro se
83316053
MDC-Brooklyn
P.O. Box 329002
Brooklyn, New York 11232

For Defendant: No appearance.

SEYBERT, District Judge:

Pro se plaintiff Michael Taylor ("Plaintiff"), filed an in forma pauperis Complaint in this Court on June 15, 2015 pursuant to 42 U.S.C. § 1983. By Memorandum and Order dated September 22, 2015 (the "M&O"), Plaintiff's application to proceed in forma pauperis was GRANTED, and his Complaint was DISMISSED WITHOUT PREJUDICE and with leave to file an Amended Complaint within thirty (30) days from the date of the M&O. Plaintiff was cautioned that his failure to timely file an Amended Complaint would lead to the dismissal of the Complaint with prejudice. On October 7, 2015, the M&O was returned to the Court marked "Return to Sender/Not Deliverable as Addressed/Unable to Forward." (Docket Entry 5.) To date, Plaintiff has not updated his address, filed an Amended Complaint, or otherwise communicated with the Court.

Accordingly, it appears that Plaintiff has abandoned this case. Plaintiff's Complaint is thus DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).¹

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to close this case and to mail a copy of this Order to the pro se Plaintiff at his last known address.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: January 7, 2016
Central Islip, New York

¹ Although Plaintiff was warned that his Complaint would be dismissed with prejudice, given the fact that he did not receive that Order, the Court finds that dismissal without prejudice is warranted.